



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

EAG/AE  
F. #2018R00733

*271 Cadman Plaza East  
Brooklyn, New York 11201*

January 17, 2020

**By FedEx**

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Re: United States v. Wesley Blake Barber, et al.  
Criminal Docket No. 19-239 (RJD)

Dear Counsel:

Enclosed please find the government's third production of discovery on the enclosed thumb drive (the "Production"). The Production has been encrypted, and the password will be sent to you separately by email. The contents of the Production include "sensitive information" under the terms of the Protective Order entered in this case that was agreed to and acknowledged by you. The government also requests reciprocal discovery from the defendants.

I. The Government's Discovery

A. Third Party Productions

The government has obtained documents and records from multiple third-party sources. Included in the Production are the following categories of documents, which are located in folders that are labeled according to the source of the documents:

- 1) Financial records from Amalgamated Bank and Wells Fargo;
- 2) Medical records, payment information and other documents from a Florida medical center;
- 3) Telephone records;
- 4) Communications, agreements and other records concerning transvaginal mesh litigation; and
- 5) Communications, accounting and financial records and other documents concerning MedSurg Consultants and defendant Walker.

B. Judicial Applications

The government is producing the applications, judicial orders and returns for documents and information from the following entities:

- 1) Google
- 2) SmartSheet
- 3) GoDaddy
- 4) Network Solutions LLC

The applications and orders are subject to limited unsealing orders that unsealed these documents only for the limited purpose of permitting the government to make required productions to the defense.

C. Search Warrants

The government is producing the affidavit, search warrant and returns for documents and information from SmartSheet and Salesforce. In addition, the government is producing to counsel for defendant Walker the affidavit and search warrant for Walker's email account.

\* \* \*

Enclosed with these materials are affidavits and declarations concerning the authenticity of records as business records and/or records generated by electronic processes or systems, pursuant to Federal Rules of Evidence 803(6), 902(11) and 902(13), and the government intends to proffer those records into evidence at trial as self-authenticating. See United States v. Komasa, 767 F.3d 151 (2d Cir. 2014).

## II. The Defendants' Required Disclosures

The government hereby renews its request for reciprocal discovery under Rule 16(b) of the Federal Rules of Criminal Procedure. The government renews its request that each defendant allow inspection and copying of (1) any books, papers, documents, data, photographs, tapes, tangible objects, or copies or portions thereof, that are in the defendant's possession, custody or control, and that the defendant intends to introduce as evidence or otherwise rely on at trial, and (2) any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, that are in the defendant's possession, custody or control, and that the defendant intends to introduce as evidence or otherwise rely upon at trial, or that were prepared by a witness whom the defendant intends to call at trial.

The government also renews its request that each defendant disclose prior statements of witnesses who will be called by the defendant to testify. See Fed. R. Crim. P. 26.2. In order to avoid unnecessary delays, the government renews its request that the defendants have copies of those statements available for production to the government no later than the commencement of trial.

The government also renews its request that each defendant disclose a written summary of testimony that the defendant intends to use as evidence at trial under Rules 702, 703, and 705 of the Federal Rules of Evidence. The summary should describe the opinions of the witnesses, the bases and reasons for the opinions, and the qualification of the witnesses.

Pursuant to Fed. R. Crim. P. 12.3, the government hereby renews its demand for written notice of each defendant's intention, if any, to claim a defense of actual or believed exercise of public authority, and also renews its demand for the names and

addresses of the witnesses upon whom the defendant intends to rely in establishing the defense identified in any such notice.

Very truly yours,

RICHARD P. DONOGHUE  
United States Attorney

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ROBERT ZINK  
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By: \_\_\_\_\_ /s/  
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Enclosures (by FedEx)

cc: Clerk of the Court (RJD) (by ECF) (without enclosures)